

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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CCM PATHFINDER POMPANO BAY, LLC, : INDEX NO. 08 CIV 5258
Plaintiff, : STATEMENT OF PLAINTIFF CCM
-against- : PATHFINDER POMPANO BAY, LLC
COMPASS FINANCIAL PARTNERS LLC : PURSUANT TO RULE 9027(E) OF THE
and COMPASS USA SPE LLC, : FEDERAL RULES OF BANKRUPTCY
Defendants. : PROCEDURE

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Pursuant to Rule 9027(e)(3) of the Federal Rules of Bankruptcy Procedure, plaintiff
CCM Pathfinder Pompano Bay, LLC (“Plaintiff”) hereby submits the following statement:

1. On May 20, 2008, Plaintiff filed a Complaint in the Supreme Court of the State of
New York (“State Court”) for (1) Breach of Contract, (2) Breach of Fiduciary Duty, (3)
Declaratory Relief, (4) Negligence, and (5) Accounting (the “State Court Action”) against
defendants Compass Financial Partners LLC and Compass USA SPE LLC (collectively,
“Defendants”).

2. On June 9, 2008, Defendants filed a Notice of Removal of the State Court Action
to this Court under 28 U.S.C. § 1334 and 28 U.S.C. § 1452.

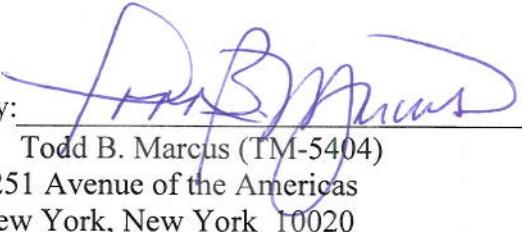
3. Defendants’ Notice of Removal contends that the State Court Action is a core
proceeding pursuant to 28 U.S.C. § 157(b).

4. Plaintiff denies Defendants’ allegation in the Notice of Removal that the State
Court Action is a core proceeding. Plaintiff contends that the State Court Action is not “related
to” any bankruptcy case and that the State Court Action should be remanded to State Court
pursuant to 28 U.S.C. § 1334(c) and 28 U.S.C. § 1452.

5. Plaintiff does not consent to entry of final orders or judgment by a bankruptcy judge.

Dated: New York, New York.
June 19, 2008

DLA PIPER US LLP

By: 

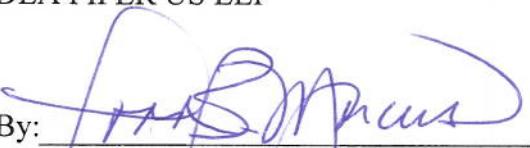
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CCM PATHFINDER POMPANO BAY, LLC

DEMAND FOR JURY TRIAL

In the event the State Court Action is not remanded to State Court, Plaintiff hereby demands a jury trial as provided by Rule 38 of the Federal Rules of Civil Procedure.

Dated: New York, New York.
June 19, 2008

DLA PIPER US LLP

By: 

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